THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19772 OF 1996
AND
WRIT PETITION NO.20632 OF 1996

DATED: 18-01-2007

IN WRIT PETITION NO.19772 OF 1996

Between :

A.P. Chaitanya Mahila Samakya,
Rep. By its Secretary, Bellapu Anuradha … Petitioner

And

1. The State of Andhra Pradesh, rep. By its Principal Secretary for Medical and Health, Secretariat, Hyderabad and 3 others. .. Respondents

AND

IN WRIT PETITION NO.20632 OF 1996

Between :

Progressive Organisation for Women (State Vimukti), rep. By its Visakhapatnam District Convenor K. Padma … Petitioner

And

1. The Government of Andhra Pradesh, rep. By its Secretary, Department of Medical and Health, Secretariat of Andhra Pradesh, Hyderabad and another. .. Respondents

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WRIT PETITION NO.19772 OF 1996
AND
WRIT PETITION NO.20632 OF 1996

COMMON ORDER :

A.P. Chaitanya Mahila Samakya is the petitioner in W.P.No.19772 of 1996, whereas W.P.No.20632 of 1996 has been filed by the Progressive Organisation for Women.

In both the writ petitions, clause-2 of the proceedings of the Superintendent, King George Hospital, Visakhapatnam, A.P., dated 7-8-1996 was sought to be declared as arbitrary and illegal.

In the proceedings dated 7-8-1996 the Superintendent of King George Hospital, Visakhapatnam issued certain instructions for selection of the candidates for admission into General Nursing Training Course for September, 1996 and for the provisional training. Clause (2) of the said proceedings runs as under :

> *"The selection is subject to the condition that the candidate is unmarried or a widow without children or a widow with children are of more than 5 years of age. She should to produce a recent certificate to that effect from MRO/RDO."*

It is alleged by the petitioners that under the guise of the said clause the candidates for General Nursing Training Course at King George Hospital were being subjected to virginity test. It is alleged that though similar courses are offered in various Government Hospitals in the State, no such test was insisted upon and the action of the 2nd respondent is not only arbitrary and illegal but also violative of the fundamental rights guaranteed under Article 21 of the Constitution

of India.

This Court while directing Rule Nisi in W.P.No.19772 of 1996 by order dated 24-9-1996 in W.P.M.P.No.24374 of 1996 directed the 1st respondent to make an enquiry and to take appropriate action against the respondents 2 to 4 therein.

Though no counter-affidavit has been filed by the respondents, the learned Government Pleader for Medical & Health, under instructions, stated that subsequent to the first round of selections conducted at Visakhapatnam, several press reports appeared about the alleged virginity test. Though the said allegation is not correct, to put the matters beyond any doubt the Government had issued clear orders that in future the conditions of eligibility for admission to Nursing Courses for women could be the same as those in respect of MBBS. It is also stated that the stipulation under clause-2 that a candidate should be unmarried or widow without children or widow with children was directed to be deleted for selection to the courses in the future years.

The statement of the learned Government Pleader for Medical & Health is placed on record.

In the circumstances, no further enquiry is necessary on merits and accordingly both the Writ Petitions are disposed of. No costs.

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G. ROHINI, J.

Dt. 18-1-2007
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